

REMARKS/ARGUMENTS

This paper is submitted under 37 CFR 1.114(c) as a submission accompanying a Request for Continued Examination in response to the Office Action mailed November 16, 2011. Reconsideration is respectfully requested.

Claims 1, 2, 4-7, 9-13, 15-16, 20-30 were examined. All stand rejected. In response, claims 1, 7, 15, and 20-30 have been cancelled; new claims 31 and 32 have been added to replace claims 1 and 15, respectively; and claims 2, 4-6, 9-13, and 16 have been amended to depend from the newly-added independent claims. It is respectfully submitted that independent claims 31 and 32 are patentable over the art of record for the reasons set out below, and that dependent claims 2, 4-6, 9-13, and 16 are patentable for at least the same reasons.

OBJECTION TO THE DRAWINGS

The drawings were objected to for failure to show specific features recited in claim 20. This objection has been rendered moot by the cancellation of claims 20-30.

REJECTION UNDER 35 USC SECTION 112

Claims 20-30 were rejected under Section 112, first paragraph. This rejection has been rendered moot by the cancellation of claims 20-30.

REJECTION UNDER 35 USC SECTIONS 102(b) and 103(a)

Claims 1, 2, 4, 6, 7, 9-12, 15, and 16 were rejected under Section 102(b) as anticipated by FR 2708030 – Marsol. Claims 1, 2, 4, 6, 7, 9-11, 15, and 16 were rejected under Section 102(b) as anticipated by WO 91/08366 – Davies (“Davies ‘366”). Claim 5 was rejected under Section 103(a) as unpatentable over Marsol and Davies ‘366 in view of EP 0113209 – Davies (“Davies ‘209”). Claims 12 and 13 were rejected under Section 103(a) as unpatentable over Marsol in view of US 5079054 – Davies (“Davies ‘054”). As explained detail below, it is respectfully submitted that these rejections are overcome by the amended claims set forth above.

The claimed invention relates to a building element that is self-supporting and load-bearing. Consequently, it does not need a frame for support to bear any load placed upon it by

other structural parts of the building. Thus, as, claimed, the invention does not include a frame. Rather, it includes pultruded elements only along the vertical segments of the outer rim of the glass panel. See, e.g. Fig. 1. (The term “vertical” is defined at Para. 0035 of the published application as being construed in the context of the intended application of the building element, as shown in the drawings.) The vertical pultruded elements are thus not load-bearing. Instead, as noted in Para. 0056 of the published application, they serve only “to be joined to additional building elements or [to serve] as structural elements in which channels may be provided” for cables, wires, etc.

By contrast, the cited references, particularly Marsol and Davies ‘366, relate to windows that require frames for structural support and/or load-bearing. Thus, in neither of these references could the pultruded elements along the horizontal edges of the glass panel be omitted, because the omission of the horizontal pultruded elements would place structural loads directly and solely on the glass panel. While Marsol does suggest that the glass panel contributes to the structural rigidity of the assembly, it is clear from Marsol that a four-sided “support frame” is needed as well. Likewise, Davies ‘366 describes the window arrangement disclosed therein as including a window unit that is “seated into four separate lengths of frame profile which which are connected into a rectangular frame surrounding the window unit.” Davies ‘366, p. 1, second paragraph. Thus neither Marsol nor Davies ‘366 teaches or suggests the concept of a structural building element comprising a glass panel that, by itself, provides the load-bearing function, without a four-sided frame surrounding the glass panel to bear a substantial portion of the load. In fact, it is apparent that these references teach away from this concept, and that nothing in the other references of record overcomes this failure of either Marsol or Davies ‘366 to teach or suggest this concept.

As noted above, claims 1 and 15 have been replaced, respectively, by new claims 31 and 32. Both of these claims have been written to define clearly the above-noted distinction between the claimed invention and the art of record. For example, claims 31 and 32 both define the glass panel as load-bearing, and both of these claims define the claimed building element as comprising “no more than first and second pultruded elements” that are adhered to the glass panel only along the vertical segments of the rim of the panel. Claim 31 further recites that “none of said


pultruded elements is adhered to said glass panel along either of [the] horizontal segments” of the rim. As discussed above, the cited references not only fail to teach or suggest these limitations, they may fairly be said to teach away from the claimed combination.

It is therefore respectfully submitted that claims 31 and 32 define patentably over the art of record and should be allowed. Dependent claims 2, 4-6, 9-13, and 16 should likewise be patentable for at least the reasons given above for claims 31 and 32.

In summary, it is respectfully submitted that claims 31 and 32, along with claims 2, 4-6, 9-13, and 16, should be allowed. Passage of the application to is therefore earnestly solicited.

Respectfully submitted,

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